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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,615

05/19/2005

Mihail Yur'evich Radchenko

RADCHENKO1 (temp #)

7513

23562

7590

09/21/2006

BAKER & MCKENZIE LLP  
PATENT DEPARTMENT  
2001 ROSS AVENUE  
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DALLAS, TX 75201

EXAMINER

HOLMAN, JOHN D

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/535,615

Applicant(s)

RADCHENKO, MIHAIL YUR'EVICH

Examiner

John D. Holman

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/19/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The term extractor is commonly defined in the art as "the mechanism that, after firing, pulls an empty or unfired cartridge or shell case out of the chamber and brings it into place for action by the ejector" (*Dictionary.com Unabridged (v 1.0.1)*). Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006. 14 Sep. 2006. <Dictionary.com).

Applicant does not define the term in the specification in any other way and therefore the specification is not found enabling to one of ordinary skill in the art.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Zglenicki (US 5515785).

Regarding claim 1, Zglenicki discloses a method comprising the steps of inserting a core (16) into the front part of a tubular blank (12) and simultaneously deforming the front and rear parts without altering the thickness of the blank. See figure 1 and 1B.

Regarding claim 4, Zglenicki discloses a bullet produced by the method of inserting a core (16) into the front part of a tubular blank (12) and simultaneously deforming the front and rear parts without altering the thickness of the blank. See figure 1 and 1B.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zglenicki (US 5515785) in view of the teachings of Lucy (US 3545383).

The claim differs from Zglenicki in calling for the deformations to be made by crimping the ends. Lucy discloses a method of making a bullet wherein the ends are crimped. See column 2, lines 26-30. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zglenicki's method in view

of the teachings of Lucy to include crimping as the method of deformation for the purpose of ease of manufacturing.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zglenicki (US 5515785) in view of Beal (20020184995).

The claim differs from Zglenicki's method in calling for an extractor to have the form of an aerodynamic needle and placing the extractor outside the volume of the blank. Beal discloses a method of making a bullet comprising an extractor in the shape of an aerodynamic needle placed outside the volume of the blank (58). See figure 6. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zglenicki's method in view of the teachings of Lucy to include an extractor in the shape of an aerodynamic needle for the purpose of applying pressure to the core of the bullet.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zglenicki (US 5515785) as applied to claim 4 above, and further in view of Scarlata (US 5339743). Zglenicki is discussed above.

Claim 5 differs from Zglenicki's bullet in calling for a means of inflammation, a propelling charge, a damaging agent, and one or more wads. Scarlata discloses an ammunition comprising a shell (34) having a means of inflammation (38), a propelling charge (36), a damaging agent (24), and a wad (40). See figure 5 and column 2, lines 30-39. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to combine the bullet of Zglenicki with the means of inflammation, propelling charge, damaging agent, and wad of Scarlata since combination would only require an exchange of one damaging agent for another damaging agent.

Zglenicki as modified in claim 5 discloses a spring that repeats the form of the damaging agent (24) in the compressed state and being fastened to the wad (40). See Scarlata figure 5 and 6 and column 3, lines 5-10.

### ***Conclusion***

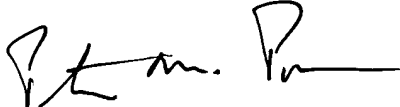
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Holman whose telephone number is 571 272-2754. The examiner can normally be reached on Monday through Friday 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDH

  
**PETER M. POON**  
**SUPERVISORY PATENT EXAMINER**  
9/18/06